

# ***FINAL REPORT 2022***

**151<sup>st</sup> General Assembly, 2<sup>nd</sup> Legislative Session**



**Joint Legislative Oversight  
& Sunset Committee**



***Respectfully submitted to the  
Joint Legislative Oversight and Sunset Committee  
June 2022***



# JLOSC Final Report 2022

Summary of work completed, 151<sup>st</sup> General Assembly, Session 2

## 2022 Reviews

The Committee adopted a total of 21 recommendations, continuing 5 and terminating 2 entities as follows:

### **Continued, Release Pending Enactment of Legislation:**

- Council on Libraries (DOS).
- Governor's Commission on Community and Volunteer Service (DHSS).
- Advisory Council on Pedestrian Awareness and Walkability (DelDOT).
- Water Infrastructure Advisory Council (DNREC).
- Technology Investment Council (DTI).

### **Terminated, Release Pending Enactment of Legislation:**

- Medical Marijuana Act Oversight Committee (DHSS).
- Family Law Commission (LEG).

JLOSC received updates on 2 entities selected for focused review to determine current operating status, both entities are not operational:

- Delaware Motion Picture and Television Development Commission (DOS), last meeting 2015.
- Interagency Council on Adult Literacy (DOE), last meeting 2017.

**Read more about 2022 Reviews on page 6.**

## Holdover Summary

In 2022, JLOSC continued to complete the holdover work postponed by the COVID-19 pandemic, with legislation drafted codifying the applicable recommendations for 5 entities. Review is complete for all 9 entities under review from 2019 and 2020 with 3 entities released and release pending the enactment of legislation for the remaining 6.

**Read more about Holdover Summary on page 10.**

## Legislation

In 2022, JLOSC embarked on an ambitious legislative effort. The COVID-19 pandemic pushed back much of the Committee's legislative action in 2020 and 2021, giving 2022 one of the largest numbers of drafted bills in the Committee's history. This session, JLOSC reviewed and approved 10 bills and 1 resolution, with all 11 completing the legislative process. Because legislation stemming from reviews often requires collaboration between the entity under review and Committee staff, additional legislation is planned for 2023 with the intention of drafting at least 10 more bills in conjunction with the 2019, 2020, and 2022 reviews.

**Read more about Legislation on page 11.**

## 2023 Reviews

Staff provided JLOSC a proactive list of potential entities either never reviewed or related to agencies not heavily reviewed in the last decade. JLOSC selected the following 6 entities for review from this list:

- Provider Advisory Board (DOE).
- Delaware State Arts Council (DOS).
- Tourism Advisory Board (DOS).
- State Fire Prevention Commission (FIRE).
- Delaware Byway Advisory Board (DelDOT).
- Delaware Guardianship Commission (COURT).

**Read more about 2023 Reviews on page 12.**

2022 Joint Legislative Oversight and  
Sunset Members:

**Representative Sherry Dorsey Walker,  
Chair**

**Senator Kyle Evans Gay, Vice Chair**

**Representative Krista Griffith**

**Senator Stephanie L. Hansen**

**Representative Kendra Johnson**

**Senator Brian Pettyjohn**

**Senator Marie Pinkney**

**Senator Bryant L. Richardson**

**Representative Jeff N. Spiegelman**

**Representative Lyndon D. Yearick**



[Sunset@Delaware.gov](mailto:Sunset@Delaware.gov)

<https://legis.delaware.gov/Committee/Sunset>

Report Prepared by  
Division of Research Staff:

**Mark Brainard Jr.  
Amanda McAtee**

Joint Legislative Oversight and  
Sunset Analysts

**Holly Vaughn Wagner**  
Deputy Director  
Legislative Attorney

**Natalie White**  
Administrative Specialist

**Elliot Gray**  
Legislative Fellow



411 Legislative Avenue  
Dover, DE 19901  
(302) 744-4114

[https://legis.delaware.gov/Offices/  
DivisionOfResearch](https://legis.delaware.gov/Offices/DivisionOfResearch)

<https://twitter.com/dedivresearch>

The Division of Research is a nonpartisan and confidential reference bureau for the General Assembly and provides many services including staff support for JLOSC.

Special thanks to Senator Sarah McBride.

We appreciate the assistance provided by entities under review and their staff.

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# A Note About This Report

The Committee approved this final report on May 26, 2022. The following pages summarize the work of the Committee during the second session of the 151<sup>st</sup> General Assembly which includes 2022 reviews, updated information from held over entities, legislation, and 2023 review selections. The Committee's [website](#) provides full reports and additional information.

In 2020, the COVID-19 pandemic shortened the JLOSC review cycle and legislative session. Review work continued for 2020 entities and the Committee did not select additional entities for review in 2021. JLOSC staff also worked on revamping and streamlining the review process. JLOSC met virtually in 2021 to continue the review process for entities under 2020 review and selected 7 entities for review in 2022. JLOSC continued to meet virtually in 2022 and held a total of 11 meetings, completing review work on entities under review for 2022 and those held over from previous years.

## About the Committee

Delaware's Legislative Oversight and Sunset Law, enacted in 1979 in Chapter 102 of Title 29, provides for the periodic legislative review of state agencies, boards, councils, and commissions. The purpose of review is to determine if there is a public need for an entity and, if so, to determine if it is effectively performing to meet that need. Generally, the Committee will not review an entity more than once every six years.

The Joint Legislative Oversight and Sunset Committee is responsible for guiding the review process. The Committee is a bipartisan committee comprised of ten legislators. The Senate President Pro Tempore appoints five senators and the Speaker of the House appoints five representatives to serve on the Committee.

In general, conducting a review spans a ten-to twelve-month period commencing in April. Each entity under full review provides a Self-Report that contains a questionnaire designed to meet statutory criteria and provide preliminary information. The entity under review has the burden of showing that there is a genuine public need and that the entity is meeting that need. JLOSC staff complete a performance evaluation of each entity under full review and prepare a Staff Findings and Recommendations Report ("Staff Report"). This report includes key findings, conclusions, and recommendations for JLOSC consideration. Recommendations are not finalized until reviewed, discussed, and adopted by JLOSC with an affirmative vote of 7 members. Public hearings serve as a critical component of the review process because they provide an opportunity for JLOSC to assess and question the entity under review regarding public need and performance.

At the conclusion of a review, JLOSC may recommend the continuance, consolidation, reorganization, transfer, or termination (sunset) of an entity. The Committee utilizes the sunset feature for entities that have concluded its statutory mission or are no longer operational. The Committee does not terminate entities that are found to be serving a genuine public need and responsive to public interests. The Committee works with these entities to formalize specific statutory and non-statutory recommendations with an end goal of improving the entity's overall function, performance, and accountability.

# 2022 Reviews

During the fall of 2020, JLOSC staff reviewed and restructured the process of completing reports and research for the Committee. Staff presented these improvements to the Committee during its January 25, 2021 orientation meeting and requested the review selections be expanded from 4 to 7 entities in 2022 as the streamlined processes would allow for additional review work. A list of entities never reviewed by JLOSC was prepared and the Committee selected 7 entities for 2022 sunset and legislative oversight review at the March 25, 2021 meeting. Entities submitted Self-Reports in the summer of 2021, which JLOSC staff distributed to Committee members and posted online for public viewing. JLOSC staff completed a performance evaluation of each entity under full review and prepared a Staff Report. This report included key findings, conclusions, and recommendations for JLOSC consideration.<sup>1</sup> JLOSC staff posted Staff Reports to the Committee's website for public review 1-week prior to each scheduled presentation meeting.

In a continued effort to streamline the review process, JLOSC staff introduced a new meeting format for the 2022 review cycle, combining the presentation and recommendation meetings, which cut the meetings held for each entity under review in half. JLOSC held these joint meetings in early 2022.<sup>2</sup> The Committee received a presentation from each entity under review, solicited public comment, and was provided a Staff Report summary from JLOSC staff. The Committee discussed JLOSC staff findings and recommendations and adopted recommendations at each meeting. The following is a summary of staff findings and adopted recommendations from each presentation and recommendation meeting held.<sup>3</sup>

## Summary of Staff Findings and Adopted Recommendations

### Presentation & Recommendation Meeting Held February 16, 2022

- **Council on Libraries (DOS) – Continued, Release Pending Enactment of Legislation.**
  - **8 Total Staff Findings:** Overall, JLOSC staff found the Council to be a high performer, meeting its statutory duties, holding meetings on a regular basis with members having a high attendance rate of 81% or higher, and did not observe chronic quorum issues.
  - **3 Adopted Recommendations:** Continue the Council, JLOSC will sponsor a bill applying technical changes, revisions to sections covering topics such as Council composition, Public Library Technology Assistance Act, and updating library references. JLOSC released the Council from review upon enactment of legislation listed in Recommendation #2.
- **Governor's Commission on Community and Volunteer Service (DHSS) – Continued, Release Pending Enactment of Legislation.**
  - **10 Total Staff Findings:** Overall, JLOSC staff found the Commission to be a high performer, meeting its statutory duties, holding meetings on a regular basis with members having a high attendance rate of 80% or higher, and did not observe chronic quorum issues.
  - **5 Adopted Recommendations:** Continue the Commission, JLOSC will sponsor a bill applying technical changes, revisions to sections covering topics such as Commission composition, quorum requirements, and incorporate federal requirements. Additional recommendations address the reevaluation of the Commission's 4-committee structure and

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<sup>1</sup> All self and staff reports available under the [2022 review tab](#) of the Committee's [website](#).

<sup>2</sup> All meeting minutes and replay videos are available on the Committee's [website](#).

<sup>3</sup> Appendix A supplies a complete list of adopted recommendations for each review.

updates to its 2010 bylaws. JLOSC released the Commission from review upon enactment of legislation listed in Recommendation #2.

### Presentation & Recommendation Meeting Held February 22, 2022

- **Advisory Council on Pedestrian Awareness and Walkability “Pedestrian Council” (DelDOT) – Continued, Release Pending Enactment of Legislation.**
  - **8 Total Staff Findings:** JLOSC staff found the Council in the middle of a reevaluation period with its last meeting held in July 2020. The Council is not established in Delaware Code and was reconstituted by Governor Markell’s Executive Order 54. JLOSC staff found the Council’s work under Executive Order 54 to be beneficial to the State of Delaware. The Council was engaged and involved in topics concerning pedestrian safety throughout the state and had conducted annual pedestrian safety events, outreach, and research.
  - **3 Adopted Recommendations:** Continue the Council, JLOSC will sponsor a bill codifying Executive Order 54, establishing the Pedestrian Council in Delaware Code. Legislation will update the Council’s composition, membership, purpose, goals, and create a public body dedicated to reviewing pedestrian fatalities and making recommendations to prevent future deaths. JLOSC released the Council from review upon enactment of legislation listed in Recommendation #2.

### Presentation & Recommendation Meeting Held March 1, 2022

- **Technology Investment Council (DTI) – Continued, Released (HB 357 enacted June 14, 2022).**
  - **6 Total Staff Findings:** Overall, JLOSC staff found the Council a high performer following a recent restructure of its statute. The Council’s restructure reflected the centralization of state information technology operations through the Department of Technology and Information. While this recent restructuring limited the period of review, the Council is engaged and involved in topics concerning Delaware government’s information technology infrastructure, effectively performing its statutory duties as an advisory body.
  - **3 Adopted Recommendations:** Continue the Council, JLOSC will sponsor a bill applying technical changes and revisions to its responsibilities and duties. JLOSC released the Council from review upon enactment of legislation listed in Recommendation #2.
- **Medical Marijuana Act Oversight Committee (DHSS) – Terminated, Release Pending Enactment of HB 356.**
  - **14 Total Staff Findings:** Overall, JLOSC staff found the Oversight Committee not meeting its statutory duties and not involved in a specific policy task or legislative action. Since October 27, 2015, the Oversight Committee has only made 2 recommendations to the Office of Medical Marijuana relating to the medical marijuana program and has not made recommendations to the Governor or General Assembly. The Office of Medical Marijuana has been conducting its own public outreach and educational programs since 2012, receives little to no support or advice from the Oversight Committee, and could continue to function without it. It could be beneficial to redistribute the staffing resources currently dedicated to the Oversight Committee to increasing outreach initiatives, engaging more often with card holders, distributing information, and responding to constituent feedback. JLOSC staff could not find the Oversight Committee meeting a recognized State need or being responsive to public interests. Without legislative action in policy areas outside the scope of this review or

a strategic plan, JLOSC staff could not find a rationale to suggest reorganization and recommended to sunset the Oversight Committee.

- **3 Adopted Recommendations:** Sunset the Oversight Committee, JLOSC will sponsor a bill terminating the Oversight Committee. JLOSC released the Oversight Committee from review upon enactment of sunset legislation listed in Recommendation #2.

#### Presentation & Recommendation Meeting Held March 29, 2022

- **Water Infrastructure Advisory Council (DNREC) – Continued, Release Pending Enactment of HB 439.**
  - **6 Total Staff Findings:** Overall, JLOSC staff found the Council to be a high performer, engaged and involved in topics concerning funding of drinking water and wastewater infrastructure projects throughout the state, meeting its statutory duties, holding meetings on a regular basis with members having a high attendance rate of 85% or higher, and did not observe chronic quorum issues. JLOSC research showed the Council to be effectively reviewing and recommending grants and loans for capital and maintenance projects related to drainage, stormwater management, and flood control throughout the state.
  - **3 Adopted Recommendations:** Continue the Council, JLOSC will sponsor a bill applying technical changes and revisions to define quorum, subcommittee operations, and update recent changes regarding virtual meetings. JLOSC released the Council from review upon enactment of legislation listed in Recommendation #2.

#### Presentation & Recommendation Meeting Held April 11, 2022

- **Family Law Commission (LEG) – Terminated, Release Pending Enactment of HB 381.**
  - **8 Total Staff Findings:** Overall, JLOSC staff found the Commission no longer meeting its statutory duties and not involved in a specific policy task or legislative action in the last decade. JLOSC staff research found the Commission not publishing information for public consumption concerning family law, not submitting an annual report to the General Assembly prior to March 15, and not taking official policy positions or endorsements in the past 6 years. Additionally, JLOSC staff found annual public hearings held by the Commission presenting issues of privacy, unrealistic expectations, and misunderstandings of the statutory authority of the Family Law Commission. Due to a lack of public documents in the 5-year review period, JLOSC staff reviewed 17-years' worth of documents to pinpoint policy areas that the Commission provided the public and legislature. Instead, JLOSC staff observed family law research and policy analysis occurring outside the Commission's structure. Since many of these issues predate the pandemic and the first mention of staffing issues in 2021, staff does not believe a change to the current staffing structure will fix the underlying issue that the Commission has fulfilled its mission. The Commission once provided an effective avenue to discuss the rules, procedures, and functionality of Delaware's newest Court system. Looking at the integration of Family Court as a constitutional court and the positive improvements made over the last 51 years, JLOSC staff concluded the Commission fulfilled its mission and could not find the Commission meeting a recognized State need nor able to be responsive to public interests. Given the inability to provide oversight to a constitutional court, JLOSC staff could not find a rationale to suggest its reorganization and recommended to sunset the Commission.



- **3 Adopted Recommendations:** Sunset the Commission, JLOSC will sponsor a bill terminating the Commission. JLOSC released the Commission from review upon enactment of sunset legislation listed in Recommendation #2.

In addition to the 7 entities selected for full legislative oversight and sunset review, JLOSC selected 2 entities for a more focused and preliminary review to establish current operating status. Focused reviews do not follow the standard legislative oversight and sunset review process and the scope is limited to research topics assigned by JLOSC. JLOSC staff supplied a status report to the Committee on the 2 focused reviews on February 1, 2022.<sup>4</sup>

- **Interagency Council on Adult Literacy (DOE) – not operational, last meeting held June 2015.**
  - Recreated by Governor Minner’s Executive Order 40 in 2003; not in Delaware Code.
    - “Responsible for the development of an action plan to advance literacy within the State.”
    - Epilogue language still lists the Interagency Council on Adult Literacy (“ICAL”) as a pass-through program in the Department of Education, with an annual allocation of \$278,600.
      - The purpose of the current ICAL allocation is to fund the two-family literacy programs in the state: Polytech Family Literacy and Sussex Tech Family Literacy. Each year these programs use this funding to support family literacy services. The Adult Education Annual Reports document their achievements.
  - Groups currently meeting under Department of Labor as part of the federal Workforce Innovation and Opportunity Act (“WIOA”).
    - Portion of work is adult education.
  - No entity solely dedicated to adult literacy.
  - Nothing to remove in Delaware Code. It is the discretion of the Office of the Governor to either fill the Council or withdraw Executive Order 40.
- **Delaware Motion Picture and Television Development Commission (DOS) – not operational, last meeting held in 2017, waiting for further information from the Division of Small Business.**
  - Created by the legislature in 2015, initially housed under the Department of Finance.
    - To help contribute to the state’s economy and contribute to the social well-being of the state and its people.
    - State need exists for a film commission to provide information and resources regarding production locations within the state and explain the benefits and advantages of producing in Delaware.
  - Statute changes in 2016 and 2017, moving Commission under the Division of Small Business in 2017.
    - No meeting held since moving to Division of Small Business.
  - Conflicting messages regarding the need for a budget.
  - Preliminary research from other states show some offering tax and rebate incentives, while others only provide information to interested parties.
    - 15 states, including Delaware, currently do not offer rebate or tax incentives for film production.
    - Full research on rebates and tax incentives was outside of the scope of the focused review, but preliminary research show possible downsides to these programs.

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<sup>4</sup> Focused review reports available under the [2022 review tab](#) of the Committee’s [website](#).

- JLOSC staff contacted the Division of Small Business and requested input on reconstituting the Commission with possible changes to the current statute.

## Holdover Summary

In 2022, JLOSC continued to complete the holdover work postponed by the COVID-19 pandemic and drafted legislation codifying the applicable recommendations. Due to the nature of the legislation requirement, consideration of additional legislation pertaining to these entities will take place in 2023. The following is a summary of all 2019 and 2020 holdover statutes.

### Summary of 2019 Holdovers

All 2019 holdover documentation can be found on the JLOSC website under 2019 Reviews.

- **Adult Protective Services (“APS”):** Release pending enactment of legislation for technical corrections; technical corrections legislation is currently in draft form while House Bill 363 removes the defunct APS Advisory Council with its duties being absorbed by the Council on Services for Aging and Adults with Physical Disabilities.
- **Division for the Visually Impaired (“DVI”):** Release pending enactment of legislation for technical corrections; House Bill 382 addresses technical corrections, House Bill 383 addresses redundant language regarding seeing eye dogs, and House Bill 384 addresses the defunct Industries for the Blind.

### Summary of 2020 Holdovers

All 2020 holdover documentation can be found on the JLOSC website under 2020 Reviews.

- **Conservation District Operations: DNREC Division of Watershed Stewardship:** Released from review, received status report in January 2022.
- **Delaware Health Resources Board (“HRB”):** Holdover. Submitted progress updates on September 1, 2021 and December 1, 2021. Legislation is pending to restructure into an advisory board, create utilization surveys, complete a state-wide utilization and cost study, and apply numerous statute revisions including technical corrections, modifications to board composition, quorum requirements, activities subject to review, procedures for review, review considerations, and charity care. JLOSC’s June 6, 2022 meeting discussed progress updates and adopted a 6<sup>th</sup> recommendation to provide guidance to HRB for operations until restructuring legislation is adopted.
- **Delaware Interscholastic Athletic Association (“DIAA”):** Holdover. Submitted progress updates on July 31, 2021, October 31, 2021, and January 31, 2022. HB 457 updates board member composition and terms, enables revenue collection and the purchase of insurance, and makes technical corrections.
- **Delaware Nursing Home Resident Quality Assurance Commission (“DNHRQAC”):** Release pending upon enactment of legislation. Submitted a progress report in January 2022 and requested a meeting with JLOSC to discuss concerns surrounding adopted recommendations. JLOSC’s February 8, 2022 meeting discussed the Commission’s progress and concerns. HB 438 applies technical

corrections and adds reporting requirements to annual reports. Conversations surrounding name change and administrative, budgetary responsibilities remain ongoing.

# Legislation

## Legislation Introduced (Status as of June 30, 2022)

- House Bill 356: Medical Marijuana Act Oversight Committee – Sunset the Committee.
  - Passed Senate on June 29, 2022, awaiting Governor’s signature.
- House Bill 357: Technology Investment Council – Technical Corrections and Statute Updates.
  - Signed by the Governor on June 14, 2022.
- House Bill 363: Adult Protective Services – Council on Aging.
  - Signed by the Governor on June 14, 2022.
- House Bill 381: Family Law Commission – Sunset the Commission.
  - Passed Senate on June 29, 2022, awaiting Governor’s signature.
- House Bill 382: Division for the Visually Impaired – Technical Corrections and Statue Updates.
  - Passed Senate on June 29, 2022, awaiting Governor’s signature.
- House Bill 383: Division for the Visually Impaired – Seeing Eye Dogs.
  - Passed Senate on June 29, 2022, awaiting Governor’s signature.
- House Bill 384: Division for the Visually Impaired – Industries for the Blind.
  - Passed Senate on June 29, 2022, awaiting Governor’s signature.
- House Bill 438: Delaware Nursing Home Residents Quality Assurance Commission – Annual Report
  - Passed Senate on June 29, 2022, awaiting Governor’s signature.
- House Bill 439: Water Infrastructure Advisory Council – Technical Corrections.
  - Passed Senate on June 29, 2022, awaiting Governor’s signature.
- House Bill 457: Delaware Interscholastic Athletic Association – Board changes.
  - Passed Senate on June 29, 2022, awaiting Governor’s signature.
- House Concurrent Resolution 106: Honoring the Family Law Commission.
  - Passed House and Senate on June 28, 2022.

## Legislation Planned for 2023

- JLOSC Statute Updates:
  - Technical corrections, clean up focused review section, update timelines, etc.
- Council on Libraries:
  - Technical corrections, Codifying JLOSC’s adopted recommendation.
- Advisory Council on Pedestrian Awareness and Walkability “Pedestrian Council”
  - Codify Pedestrian Council per JLOSC’s adopted recommendation.
- Governor’s Commission on Community and Volunteer Service
  - Technical corrections, Codifying JLOSC’s adopted recommendation.
- Delaware Nursing Home Residents Quality Assurance Commission
  - Codify name change and budgetary, administrative responsibility.
- Health Resources Board
  - Technical corrections, restructure into an advisory board, create utilization surveys, complete a state-wide utilization/cost study, modifications to board composition, quorum requirements, activities subject to review, procedures for review, review considerations, and charity care.
- Adult Protective Services:
  - Technical corrections, advisory council modifications, creating vulnerable adult commission.

- Ongoing Clean-Up Project with the Governor's Office:
  - Items as identified.

## 2023 Reviews

JLOSC selected its 2023 reviews based on a proactive list prepared by staff which included boards and commissions either never reviewed by JLOSC or related to agencies not heavily reviewed in the last decade. At its April 6, 2022 meeting, JLOSC selected the following 6 entities for legislative oversight and sunset review:

- **Provider Advisory Board (DOE).**
- **Delaware State Arts Council (DOS).**
- **Tourism Advisory Board (DOS).**
- **State Fire Prevention Commission (FIRE).**
- **Delaware Byway Advisory Board (DelDOT).**
- **Delaware Guardianship Commission (COURT).**

### Overview of 2023 Review Process

JLOSC staff noticed all 2023 entities for legislative oversight and sunset review ("full review") on April 7, 2022. Each notice provided a [Google Drive link](#) with review instructions and forms. Entities will submit a completed Self-Report by June 15, 2022. This will be the first presentation to JLOSC regarding the entity's purpose, mission, and performance. JLOSC staff will review for completeness and compliance with instructions. JLOSC staff will not edit received Self-Reports and entities under review are responsible for report contents. Committee staff will send completed Self-Reports to JLOSC members and post copies on the Committee's website for the public.

The 2023 review cycle will use the new streamlined review process developed and implemented by JLOSC staff and first used during the 2022 review cycle. The new streamlined review process includes a Self-Report, Staff Report, and a joint presentation and recommendation meeting.

The public can review all reports on the JLOSC website. JLOSC staff will post Self-Reports in late June 2022 as entities under review submit them. Staff Reports, which include a performance evaluation of each entity under full review, will be posted at least 1 week prior to the entity's scheduled presentation meeting. JLOSC sets its meeting schedule at the annual orientation meeting, typically held in January. Public comment is valuable to the review process and JLOSC staff encourages the public to submit comments concerning any entity under review via email at [sunset@delaware.gov](mailto:sunset@delaware.gov) or anonymously by using the [\*\*public comment form\*\*](#).

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## Council on Libraries Adopted February 16, 2022

### **Recommendation #1, Option 1 – Continue the Council on Libraries**

After review and analysis, JLOSC staff recommends option 1, continue the Council on Libraries, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Council on Libraries shall continue, subject to any further recommendations that JLOSC adopts.

### **Recommendation #2 – Statute Revisions**

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Council on Libraries, Chapter 87, Title 29, and using this review as a guide, applying revisions to sections covering topics such as:

- Update Council composition.<sup>1</sup>
  - Define quorum.
- Update Public Library Technology Assistance Act to reflect the Delaware Library Consortium.<sup>2</sup>
- Update and move library references under Department of Education to Department of State.

JLOSC and Council on Libraries administrative staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as necessary.

### **Recommendation #3 – Release from Review.**

Release the Council on Libraries from review upon enactment of legislation applying technical corrections and changing board composition listed under Recommendations 2.

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<sup>1</sup> 29 Del. C. § 8732.

<sup>2</sup> 29 Del. C. § 6602B.

# Governor's Commission on Community and Volunteer Service

Adopted February 16, 2022

## **Recommendation #1, Option 1 – Continue the Governor's Commission on Community and Volunteer Service**

After review and analysis, JLOSC staff recommends option 1, continue the Governor's Commission on Community and Volunteer Service, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Governor's Commission on Community and Volunteer Service shall continue, subject to any further recommendations that JLOSC adopts.

## **Recommendation #2 – Statute Revisions**

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Governor's Commission on Community and Volunteer Services, Chapter 79, Title 29, and using this review as a guide, applying revisions to sections covering topics such as:

- Commission composition including term length and eligibility.
- Quorum requirements (currently 40% of appointed members).
- Incorporating federal requirements.

JLOSC and Commission administrative staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders, as necessary.

## **Recommendation #3 – Standing Committee Restructure**

The Governor's Commission on Community and Volunteer Services shall reevaluate its 4-committee structure, assess current responsibilities of the Executive Committee, and reestablish the necessary committees.

The Commission created 4 committees for specific duties and responsibilities, currently only the Executive Committee is meeting.

## **Recommendation #4 – Update Bylaws**

The Governor's Commission on Community and Volunteer Services shall consider updating its 2010 bylaws to reflect Freedom of Information Act ("FOIA") requirements and current Commission operations, including updated committee structure.

## **Recommendation #5 – Release from Review.**

Release the Governor's Commission on Community and Volunteer Services from review upon enactment of legislation applying technical corrections and changing board composition listed under Recommendation 2.

# Advisory Council on Walkability and Pedestrian Awareness ("Pedestrian Council") Adopted February 22, 2022

## **Recommendation #1, Option 1 – Continue the Pedestrian Council**

After review and analysis, JLOSC staff recommends option 1, continue the Advisory Council on Walkability and Pedestrian Awareness, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Advisory Council on Walkability and Pedestrian Awareness shall continue, subject to any further recommendations that JLOSC adopts.

## **Recommendation #2 – Codify the Pedestrian Council**

JLOSC should consider sponsoring a bill to codify Executive Order 54, establishing the Advisory Council on Walkability and Pedestrian Awareness in Delaware Code, renamed as the Pedestrian Council, and using this review as a guide, applying revisions to sections covering topics such as:

- **Update council composition and membership.**
  - Include other agencies and organizations such as the Office of State Planning, Delaware State Police, League of Local Governments, and local land use agencies.
- **Update purpose and goals.**
  - Include pedestrian accessibility and connectivity.
  - Reevaluate the Statewide Pedestrian Action Plan of 2007 for duplicative efforts within Delaware's 2021-2025 Strategic Highway Safety Plan and make recommendations on the prioritization of pedestrian infrastructure improvements.
  - Expand the charge of the Pedestrian Council to include giving recommendations to other stakeholders, such as the Office of Highway Safety.
  - Utilize Delaware's 2021-2025 Strategic Highway Safety Plan to ensure changes to Council mission meet policy goals.
  - Conduct annual pedestrian safety events.
  - Submit annual report of activities and recommendations to the Governor, General Assembly, and Division of Research librarian, and supply a copy to affected state agencies and local municipalities.
- **Create a public body dedicated to reviewing pedestrian fatalities and making recommendations to prevent future deaths.**

JLOSC and DelDOT staff will work together to develop statutory language and engage stakeholders as necessary.

## **Recommendation #3 – Release from Review**

Release the Advisory Council on Walkability and Pedestrian Awareness from review upon enactment of legislation codifying the Pedestrian Council outlined under Recommendation 2.

# Technology Investment Council

Adopted March 1, 2022

## **Recommendation #1, Option 1 – Continue the Technology Investment Council**

After review and analysis, JLOSC staff recommends option 1, continue the Technology Investment Council, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Technology Investment Council shall continue, subject to any further recommendations that JLOSC adopts.

## **Recommendation #2 – Statute Revisions**

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Technology Investment Council, Chapter 90C, Title 29, and using this review as a guide, update its duties and responsibilities.

JLOSC and staff from the Department of Technology and Information will work together to develop statutory revisions. JLOSC staff will engage stakeholders as necessary.

## **Recommendation #3 – Release from Review.**

Release the Technology Investment Council from review upon enactment of legislation applying technical corrections and statute revisions listed under Recommendations 2.

# Medical Marijuana Act Oversight Committee

Adopted March 1, 2022

## **Recommendation #1, Option 2 – Sunset the Medical Marijuana Act Oversight Committee**

Review and analysis by JLOSC staff conclude the Office of Medical Marijuana oversees a functioning medical marijuana program without support from the Medical Marijuana Act Oversight Committee. Since October 27, 2015, the Medical Marijuana Act Oversight Committee has only made 2 recommendations to the Office of Medical Marijuana relating to the medical marijuana program and has not made recommendations to the Governor or General Assembly. Without additional legislative action or a strategic plan, the Medical Marijuana Act Oversight Committee is not meeting a public need.

JLOSC staff recommends Option 2: Sunset the Medical Marijuana Act Oversight Committee with JLOSC sponsoring legislation to implement this recommendation.

Option 2: The Medical Marijuana Act Oversight Committee is terminated, and JLOSC will sponsor legislation to implement this recommendation.

## **Recommendation #2 – Release from Review.**

Release the Medical Marijuana Act Oversight Committee from review upon enactment of sunset legislation.



# Water Infrastructure Advisory Council

## Adopted March 29, 2022

### **Recommendation #1, Option 1 – Continue the Water Infrastructure Advisory Council.**

After review and analysis, JLOSC staff recommends option 1, continue the Water Infrastructure Advisory Council, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Water Infrastructure Advisory Council shall continue, subject to any further recommendations that JLOSC adopts.

### **Recommendation #2 – Statute Revisions.**

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Water Infrastructure Advisory Council, Chapter 80, Title 29, and using this review as a guide, applying revisions to sections covering topics such as:

- Define quorum.
- Subcommittee operations.
- Updates to reflect recent changes to FOIA regarding virtual meetings.
- Explore the feasibility of instituting term limits. \*

JLOSC and the DNREC Environment Finance Office will work together to develop statutory revisions. JLOSC staff will engage stakeholders as necessary.

\*Due to the subject matter expertise required to serve on the Water Infrastructure Advisory Council, JLOSC staff and DNREC's Environment Finance Office will work on language to possibly institute term limits in a manner that will not limit its operations. For example, limit the number of consecutive terms, but not nonsequential terms.

### **Recommendation #3 – Release from Review.**

Release the Water Infrastructure Advisory Council from review upon enactment of legislation applying technical corrections and changing board composition listed under Recommendations 2.

# Family Law Commission

Adopted April 11, 2022

## **Recommendation #1, Option 2 – Sunset the Family Law Commission**

Review and analysis by JLOSC staff conclude the Family Law Commission has long standing issues with FOIA compliance, does not meet its statutory requirements, does not have the resources to supply meaningful information or policy analysis to the public and stakeholders, cannot supply legal advice, and has seen public participation significantly declined. The Family Law Commission is not meeting a public need.

JLOSC staff recommends Option 2: Sunset the Family Law Commission with JLOSC sponsoring legislation to implement this recommendation.

Continue or Terminate (standard JLOSC recommendation):

Option 2: The Family Law Commission is terminated, and JLOSC will sponsor legislation to implement this recommendation.

## **Recommendation #2 – Release from Review.**

Release the Family Law Commission from review upon enactment of sunset legislation.